

**THE PUBLIC INTEREST LEGAL
FOUNDATION,**

Plaintiff,

V.

LEIGH M. CHAPMAN, in her official capacity as Acting Secretary of the Commonwealth of Pennsylvania, and **JONATHAN M. MARKS**, in his official capacity as Deputy Secretary for Elections and Commissions,

Defendants.

[illegible]

NO. 1:19-CV-00622

JUDGE CONNER

ELECTRONICALLY FILED

DEFENDANTS' MOTION FOR CLARIFICATION AND PARTIAL RECONSIDERATION

Pursuant to Local Rules 7.1 and 7.10, Defendants Leigh M. Chapman, Acting Secretary of the Commonwealth, and Jonathan M. Marks, Deputy Secretary for Elections and Commissions, (referred to collectively as “Department of State”), by and through their undersigned counsel, hereby request that the Court clarify its Memorandum and Order issued on March 31, 2022 (ECF 83, 84) by declaring that (1) the names, addresses and other personal identifying information of letter recipients who were not confirmed to be non-citizens may properly be redacted and need not be disclosed, (2) the names, addresses and other personal identifying information of letter recipients who returned general cancellation requests and were

not confirmed to be non-citizens may properly be redacted and need not be disclosed, and (3) the Department of State need not disclose the entire SURE database, but rather may comply with the Court's Memorandum by providing the Full Voter Export. Further, the Department of State respectfully request that the Court reconsider its statement that material reviewed by a consulting expert is not protected by the work product doctrine and instead declare that materials review by the consulting expert retained by outside counsel for the Department of State are not required to be disclosed to Plaintiff The Public Interest Legal Foundation in response to its request under the NVRA.

Respectfully submitted,

/s/ Donna A. Walsh

Daniel T. Brier

Donna A. Walsh

Suzanne P. Conaboy

Counsel for Defendants,

Acting Secretary of the Commonwealth

Leigh M. Chapman and Deputy Secretary

for Elections and Commission Jonathan M.

Marks

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Dated: April 14, 2022

CERTIFICATE OF NON-CONCURRENCE

I hereby certify that I sought the concurrence of counsel for Plaintiff, Noel H. Johnson, Esquire, in this motion. Mr. Johnson does not concur in this motion.

/s/ Donna A. Walsh
Donna A. Walsh

Date: April 14, 2022

CERTIFICATE OF SERVICE

I, Donna A. Walsh, hereby certify that a true and correct copy of the foregoing Motion for Clarification and Partial Reconsideration was served upon the following counsel of record via the Court's ECF system on this 14th day of April 2022:

Kaylan Phillips, Esquire
Noel H. Johnson, Esquire
Public Interest Legal Foundation
32E Washington Street, Suite 1675
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/s/ Donna A. Walsh
Donna A. Walsh